



AT-13736/100
Docket No. 1148/039 JF4

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)

Application Of: **TELLER ET AL.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/923,181	August 6, 2001	M. Astorino	23861	3736	1717

Invention: **APPARATUS FOR MONITORING HEALTH, WELLNESS AND FITNESS**

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **December 30, 2005** finally rejecting Claim(s) **1-8, 15-17, 32-44, 64-76 and 137-139**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: **\$250.00**

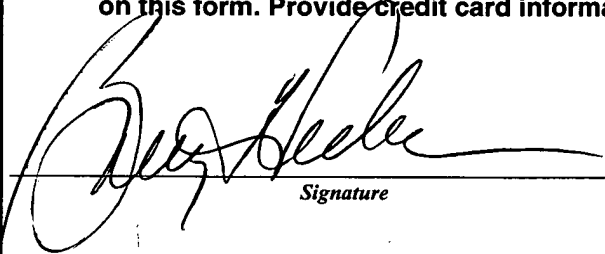
☒ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0525**

☐ Payment by credit card. Form PTO-2038 is attached.

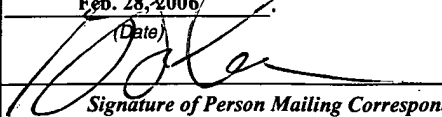
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Signature

Dated: **February 28, 2006**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on Feb. 28, 2006 (Date)	
 Signature of Person Mailing Correspondence	
Barry I. Friedman, Esq.	
Typed or Printed Name of Person Mailing Correspondence	